IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1128 (S/S) of 2006

Dinesh Prasad Thapliyal,
S/o Sri Bhishmbar Datt presently
Posted as Peon (Paricharak),
At District Treasury,
New Tehri,
District – Tehri Garhwal. **……..Petitioner**

V e r s u s

1. State of Uttaranchal through Secretary, (Personnel Appointment) Secretariat, Dehradun.
2. District Magistrate, Tehri Garhwal, New Tehri.
3. Senior Treasury Officer, Tehri Garhwal, New Tehri.

……..Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Vipul Painuly, learned counsel for the petitioner and Sri Paresh Tripathi, learned counsel for State of Uttaranchal on behalf of respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

I. *Issue a writ, order or direction in the nature of Mandamus commanding the respondents that the qualification of the petitioner (i.e. Prathama, Hindi Sahitiya Sammelan, Allahabad) be deemed equivalent to High School.*

II. *Issue a writ, order or direction in the nature of Mandamus commanding the respondents to promote the petitioner on the post of Clerk.*

III. *Issue any other writ, order or direction, which this Hon'ble Court may deem fit and proper under the circumstances of the case.*

IV. *Award cost of the petitioner in favour of the petitioner.*

The submission of the petitioner is that he was appointed as Peon in Treasury, District – Tehri on 05.06.1992. He has passed Prathama examination from Hindi Sahitiya Sammelan, Allahabad in the year 2001.

Government of India, Ministry of Human Resource Development, Department of Secondary and Higher Education vide notification dated 27.07.2001 provides that on the recommendation of High Level Committee for recognition of educational qualifications, the Government of India have decided to recognize the Prathama examination being conducted by Hindi Sahitiya Sammelan, Allahabad for the purpose of employment under Central Government for the post for which desire qualification is a pass in matriculation. This recognition was provisionally for the period of 3 years after which the Committee will review the recognition granted.

On 14.05.2004 another notification was issued by Government of India, Ministry of Human Resource Development, Department of Secondary and Higher Education by which recognition of Prathama Examination from Hindi Sahitiya Sammelan, Allahabad equivalent to High School was further extended for period with effect from 27.04.2004 to 27.04.2007, after which the Committee will take further decision for review of recognition granted.

Petitioner is aspirant for the post of Junior Clerk in office of Treasury for which the qualification prescribed is High School.

The submission of the petitioner is that he has already passed the examination of Prathama from Hindi Sahitiya Sammelan, Allahabad, which is equivalent to High School as per the aforesaid notifications and the benefit of aforesaid

notifications should also be given to the petitioner and he may promoted to the post of Junior Clerk in the Treasury Office, Tehri Garhwal.

On 21.07.2004, District Magistrate, Tehri Garhwal wrote a letter to the Additional Secretary, Finance, Uttaranchal stating therein that the case of the petitioner for promotion to the post of Jr. Clerk was recommended to the State Government for necessary action. However, till date no action has been taken by the Government in the case of the petitioner as to whether he is entitled for promotion in view of the fact that he has passed Prathama from Hindi Sahitiya Sammelan, Allahabad or not.

In the circumstances aforesaid, I deem it fit and proper to direct Additional Secretary, Finance, Government of Uttaranchal to take decision on the letter of the District Magistrate, Tehri on 21.07.2004 (Annexure No. 9 to the writ petition) within a period of three months from the date of production of certified copy of this order.

With this direction the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

August 21, 2006
SKSharma